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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,381	09/23/2003	Masato Terao	243087US2	1933

22850 7590 09/29/2009

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EXAMINER	
GARCIA, GABRIEL I	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/667,381	TERAO ET AL.	
	Examiner	Art Unit	
	GABRIEL I. GARCIA	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9,12-17 and 19-72* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8,20,24,28,32,36,40,44,48,52,56,60,64 and 72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 9,12-17,19,21-23,25-27,29-31,33-35,37-39,41-43,45-47,49-51,53-55,57-59,61-63 and 65-71.

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims *1,4-8,20,24,28,32,36,40,52,56,60 and 72 are* rejected under 35 U.S.C. 102(b) as being anticipated by Ito (U.S. Patent No. 5,839,019).

Regarding claims 1 and 68, Ito discloses an image forming apparatus (see fig. 10 comprising: a hardware resource used for image forming processing; (reads on control circuitry of figs. 1 and 3) and a program for performing processing concerning image formation, (inherently reads Fig. 3, which contains the RAM and CPU that store and run the program or operating system that makes the image processing perform all the functions) wherein said apparatus comprises: a reading type changing part changing a type of reading of a plurality of originals which include different types of originals in a mixed manner being read (reads on Figs. 6, 7 and column 8, lines 33-67 that mixed originals can be read in. column7, lines 28-38 discloses that sensor SE3 detects vertical or horizontal sheets, so the reading of the different sheets is being changed by reading the horizontal or vertical document according to the state of the sensor SE3. This

facilitates the changing of the scanning processing to detect different types of documents), the different types of originals including originals having an image on a sigle side thereof and originals having images on both sides thereof (reads on col. 6, lines 45-65, col. 7, lines 54-55 and col. 8, lines 61-67).; and a grouping part grouping printing paper sheets on which images have been formed based on the plurality of different types of originals. (reads on Fig. 22 which shows a discharge subroutine, Which can perform different examples of outputs are in Figs.6 and 7) ; wherein: said reading type changing part changes a type of reading an original in response to a reading type change instruction input by an operator while the plurality of originals are being read (reads on Fig. 2 which shows a control panel to be manipulated by the operator to change the mode of operation) , said reading type comprises a type of an original as to whether the original has an image on a single side thereof or images on both sides thereof (reads on col. 7, lines 54-55 and col. 8, lines 61-67). Also, Ito clearly teaches changing the reading type by using an instruction input by an operator while the plurality of originals are being read (reads on col. 11, lines 22-54, by allowing the user to place and interrupt a printing job, allows the user to change the reading type by placing the document to be scanned into the platen).

Regarding claim 4, Ito discloses the image forming apparatus as claimed in claim 1, wherein: said type comprises a size of the original (abstract)

Regarding claim 5, Ito further comprising a size detecting part detecting the size of the original (e.g. column 3, lines 37-47 - automatic size detection)

Regarding claim 6, Ito discloses said reading type changing part changes the type of reading an original when the size of an original detected by said size detecting part immediately before is different from the size of an original which is read subsequently (reads on Fig. 6 and Fig. 7 - -documents read in are detected to have different dimensions and are read in a changed manner)

Regarding claim 7, Ito discloses wherein: said size detecting part stops a size detection operation in response to a reading size changing instruction input by an operator. (column 7, lines 47-52 - the one-in-one mode where a single document - would have one size - since Ito refers to pages in Figs.6 and 7 as being different documents. This indicates that in this mode, there is no need to worry about size).

Regarding claim 8, Ito discloses wherein: in case the reading type changing part changes the type of reading an original, an image of an original which is read subsequently is formed on a printing paper sheet which is different from a printing paper sheet on which an image is formed immediately before the reading type is changed. (column 1, lines 24-28 that different sheets are supplied for the partition and cover pages, indicating that they would be printed on the different papers.)

Regarding claim 20, Ito discloses further comprising an automatic original feeding part which automatically reads the plurality of originals set therein. (Fig. 1 – ADF 5O) .

Regarding claims 24 and 28, Ito discloses wherein: in addition to the image of original, a page number is printed on the printing paper sheet. (See Fig. 6. Although Ito

calls them "documents", one can certainly see

that it would be obvious that they can be pages) .

Regarding claims 32 and 36, Ito discloses the recording part which stores data of each image which is formed on the printing paper sheet (or integrated) (reads on Figs. 6 and 7 and col. 17, lines 50-58).

Regarding claim 40, Ito discloses wherein: said grouping part groups the plurality of printing paper sheets by attaching a front cover or a back cover to said plurality of printing paper sheets. (Figs. 6, 7 shows that a first page is a cover sheet) .

Regarding claim 52, Ito discloses further comprising a sorting part which sorts and ejects the plurality of printing paper sheets on which images of the plurality of originals are formed. (column 3, lines 22-25 - sheet supply means) .

Regarding claim 56, Ito discloses wherein: said sorting part sorts and ejects the plurality of printing paper sheets in use of the data of images of originals. (column 3, lines 22-25 - sheet supply means supplies sheets so that the image forming means can print on them).

Regarding claim 60, Ito discloses wherein: said sorting part ejects the plurality of printing paper sheets with changing an orientation or shifting a position thereof. (column 3, lines 22-25 - sheet supply means. And see Fig. 6, 7 that the orientation can be changed.)

Regarding claim 72, Ito discloses further comprising a sorting step of sorting and ejecting the plurality of printing paper sheets in case of ejecting a plurality of groups of printing paper sheets, which groups are obtained in said grouping step. (column 3, lines 22-25 - sheet supply means).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims *44,48 and 64 are* rejected under 35 U.S.C. 103(a) as being unpatentable over ito (5,839,019)as applied to claim s 1 and/or 52 above, and further in view Nakata et al. (6,943,921).

Regarding claim 44, Ito discloses a method for printing mixed originals. It does not go into detail regarding the finishing of the printed material.

Thus, Ito does not explicitly disclose "said grouping part groups the plurality of printing paper sheets by binding them with a staple or punching them."

However, Nakata discloses in column 6, lines 25-32 that a finisher can perform stapling.

Ito and Nakata are combinable because both are in the art of copying documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Ito and Nakata et al. in order to stapled or bound documents of the finished pages.

The motivation would have been to organize the printed documents.

Therefore, it would have been obvious to combine Ito and Nakata to obtain the invention as specified.

Regarding claims 48 and 64, the secondary reference, Nakata discloses wherein: said grouping part groups the plurality of printing paper sheets in response to a finish instruction input by an operator. (Fig. 4 shows an operation panel for an operator to choose finishing options) . Ito and Nakata are combinable because both are in the art of copying documents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Ito and Nakata et al. in order to create a finished product from the stapled or bound documents of the finished pages.

The motivation would have been to organize the printed documents.

Therefore, it would have been obvious to combine Ito and Nakata to obtain the invention as specified. \

Conclusion

3. Applicant's arguments that the applied art does not teach or suggest a reading type changing part changing a type of reading of a plurality of originals which include different types of originals in a mixed manner being read, the different types of originals including originals having an image on a single side thereof and originals having images on both sides thereof, and a grouping part grouping printing paper sheets on which images have been formed based on the plurality of different types of originals, the reading type changing part changing a type of reading of an original in response to a reading type change instruction input by an operator while the plurality of originals are being read, as recited in Claim 1 and similarly recited in Claim 68. Examiner disagrees with Applicant's conclusion(s). Examiner asserts that Ito teaches a reading type changing part changing a type of reading of a plurality of originals which include different types of originals in a mixed manner being read (reads on Figs. 6, 7 and column 8, lines 33-67 that mixed originals can be read in. column7, lines 28-38 discloses that sensor SE3 detects vertical or horizontal sheets, so the reading of the different sheets is being changed by reading the horizontal or vertical document according to the state of the sensor SE3. This facilitates the changing of the scanning processing to detect different types of documents), the different types of originals including originals having an image on a single side thereof and originals having images on both sides thereof (reads on col. 6, lines 45-65, col. 7, lines 54-55 and col. 8, lines 61-67). Clearly, Ito also teaches the use of both sides printing (e.g. col. 6, lines 45-65). Also, Ito clearly teaches changing the reading type by using an instruction input by an

operator while the plurality of originals are being read (reads on col. 11, lines 22-54, by allowing the user to place and interrupt a printing job, allows the user to change the reading type by placing the document to be scanned into the platen).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-irect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

Gabriel I. Garcia
Primary Examiner
September 24, 2009